

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TONY SMITH,

Plaintiff,

v.

E-BACKGROUNDCHECKS.COM,  
INC.,

Defendant.

CIVIL ACTION NO.

1:13-cv-02658-MHC-RGV

**DEFENDANT’S REQUEST FOR ORAL HEARING**

Defendant E-backgroundchecks.com, Inc. (“BGC”) respectfully requests that the Court set an oral hearing on BGC’s Motion for Summary Judgment [Dkt. No. 35] and BGC’s Objection’s to the Magistrate Judge’s Report & Recommendation [Dkt. No. 56]. This case concerns numerous issues of law and fact that would be served and clarified by oral argument, particularly in light of the contentions among the parties as to the issues raised in BGC’s objections to the R&R.

Moreover, the argument would be handled exclusively by Ross Andre, a 2011 graduate of the Emory University School of Law, who is entering his fourth year of practice. Numerous judges on this Court have expressed the belief that

young attorneys should have an opportunity to argue motions that may otherwise be decided on the papers. For example, in Judge Leigh May Martin's standing order regarding civil litigation, she states with respect to oral argument:

Moreover, the Court shall grant a request for oral argument on a contested substantive motion if the request states that a lawyer of less than five years out of law school will conduct the oral argument (or at least a large majority), it being the Court's belief that new lawyers need more opportunities for Court appearances than they usually receive.

*See* Case No. 1:14-cv-01295-LMM, Dkt. No. 68, at 24-25. Judge Story has instructions that contain identical language and, upon information and belief, other judges of this Court do as well. Although this Honorable Court has not issued such guidelines in this case, it is nonetheless counsel's understanding that the Court professes the same beliefs.<sup>1</sup>

For the foregoing reasons, BGC respectfully requests an oral hearing at the Court's convenience.<sup>2</sup>

Respectfully submitted, this 7th day of January, 2015.

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<sup>1</sup> Counsel was present in the courtroom for instructions given to newly-admitted attorneys of this Court's bar on January 5, 2015, in which the Court advised young attorneys to seek oral argument on motions pending in this Court whenever possible.

<sup>2</sup> Counsel respectfully notes unavailability from February 4-6 and February 12-20 due to existing obligations.

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**LOCAL RULE 7.1 CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing pleading filed with the Clerk of Court has been prepared in 14 point Times New Roman font in accordance with Local Rule 5.1(C).

Dated: January 7, 2015.

/s/ Ross D. Andre  
Ross D. Andre

**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record:

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